

R E M A R K S

An Office Action was mailed on April 24, 2004. Claims 1-27 are pending. Applicants cancel claims 12 and 13 without prejudice or disclaimer, and amend claim 14 to include the limitations of former claims 12 and 13. No new matter is added.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 – 27 are rejected under 35 U.S.C. §102(e) as being anticipated by Scott et al. (U.S. Patent 6,484,260 filed April 24, 1998). Applicants cancel claims 12 and 13 without prejudice or disclaimer, amend claim 14 to include the limitations of former claims 12 and 13, and respectfully traverse this rejection.

In independent claims 1, 9, 14, 15, 16 and 19, Applicants disclose a method and system for verifying the identity of one or more parties involved in the transmission of information by means of biometric information. In each of independent claims 1, 9, 14, 15, 16 and 19, expressed limitations provide that a message is transmitted by one of the involved parties to a central biometric authority (CBA), wherein the second message includes a biometric sample of the transmitting party, a unique message identifier (UMI) identifying parties involved in the transmission, and a submission profile of the transmitting party that includes, for example, hardware and software information with regard to the device used to capture the transmitting party's biometric information, and sample record information providing information about the specific biometric sample being transmitted (see, e.g., Applicants' specification at page 9, lines 7 – 24).

Scott discloses a personal identification system including a personal identification device for sensing a biometric trait of a user, for producing an associated biometric signal, for comparing the biometric signal to stored biometric data, and to provide a

verification signal including ID information to a host system as means for the user to gain access to the host system (see, e.g., abstract and column 10, line 44 – column 11, line 32 of Scott).

In sharp contrast to Applicants' claimed invention, Scott fails to suggest or disclose Applicants' claimed central biometric authority (CBA) holding biometric information for each of the parties. Rather, according to the invention of Scott, each user maintains a personal information device that stores biometric information unique to that user.

While the personal information device of Scott produces a biometric signal that is compared to stored biometric data for verifying the identity of the user, Scott fails to suggest or disclose Applicants' claimed message containing a biometric sample that is transmitted by the transmitting party to the CBA. Moreover, unlike Applicants' claimed invention, Scott fails to disclose or suggest a message which also includes a UMI identifying parties involved in the transmission, and a submission profile that includes hardware, software and biometric sample record information. Rather, upon verifying a user, personal information device of Scott simply transmits a user ID of the user to the desired host system.

In addition, with reference to Applicants' independent claim 16, which is directed to a method for identifying a proxy in an identity verification system, Scott fails to disclose or suggest Applicants' claimed message which further includes an instruction block which delimits that scope of actions allowed for the proxy (see, e.g., page 19, lines 4 – 7 of Applicants' specification).

These substantial differences between Applicants' claimed invention and the invention of Scott are not surprising, as the inventions serve very different purpose. The invention of Scott is intended to provide means for a single user to self-validate for purposes of gaining access to a host system. In sharp contrast, Applicant's claimed invention is directed to facilitate, for example, communication between a sender and a receiver (see, e.g., Applicants' FIGs. 2A, 2B), a transaction between a user and a point of sale provider (see, e.g., Applicants' FIG. 2C), and a transaction between a user and a point of sale provider employing a proxy for the user (see, e.g., Applicants' FIG. 2D).

In each of these cases, a trusted party other than the user (e.g., the CBA) is positioned to respond to a request from another party to verify the identity of the sender/user via biometric means. In comparison to the self-validation method taught by Scott, Applicants invention provides additional protections by having a trusted party other than the user performing the verification, and simplifies the functionality required by biometric devices operated by individual users.

Accordingly, Applicants respectfully submit that independent claims 1, 9, 14, 15, 16 and 19 are not anticipated by Scott, and are therefore in condition for allowance. As claims 2 – 8, 10, 11, 17, 18 and 20 - 27 each depend from one of allowable claims 1, 9 and 16, Applicants respectfully submit that claims 2 – 8, 10, 11, 17, 18 and 20 - 27 are allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 11 and 14 – 27, consisting of independent claims 1, 9, 14, 15, 16 and 19 and the claims

dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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TJB: pm